

REMARKS/ARGUMENTS

Favorable reconsideration of this Application, as presently amended and in light of the following discussion, is respectfully requested.

This Amendment is in response to the Office Action mailed on June 10, 2005. Claims 1-24 are pending in the Application and stand rejected Claims 1-8, 10, 12-14, and 17-24 are amended by the present Amendment.

Summarizing the outstanding Office Action, Claims 1-24 are rejected under 35 U.S.C. §102(b) as being anticipated by Aoyama et al. (U.S. Patent 5,848,329, hereinafter "Aoyama").

Applicants thank Examiner Louis M. Arana for the courtesy of an interview extended to Applicants' representative on September 8, 2005. During the interview, amendments to the claims as herein presented were proposed, and arguments as hereinafter developed were presented. Although an agreement with respect to the claims was not reached, Examiner Arana indicated on the interview summary (form PTO 413) that "Applicant's representative showed the examiner proposed amendments for all claims except those having means plus function language. The proposed amendments appear to overcome the outstanding rejection of the claims. Applicant intends to submit arguments pertaining to the patentability of means plus function language claims [9 and] 15-16." As further explained below, Claims 1, 7, 8, 17, 23, and 24 are amended as proposed during the personal interview. Applicants believe that, as provide by 35 U.S.C. § 112, sixth paragraph, Claims 9, 15, and 16 are patentable over Aoyama as presented, as also further explained below.

Applicants respectfully submit that Claims 1-24 are not anticipated by Aoyama because each and every element as set forth in those claims is not found, either expressly or inherently described, in the cited reference. In an anticipation rejection, the identical

invention must be shown in as complete detail as is contained in the claim.<sup>1</sup> The patentability of Claims 9, 15, and 16 will be argued separately below in view of the recitation of means-plus-function language.

According to a feature of the invention as set forth in the presently amended Claims 1, 7, 8, 17, 23, and 24, a process cartridge is recited, comprising, among other features, a housing comprising first and second guide portions configured to guide the process cartridge in and out of an image forming apparatus. As recited, *the first guide is disposed on a first side of the process cartridge on a first location and the second guide is disposed on a second side of the process cartridge on a second location lower than the first location with respect to a vertical direction.*

As explained in the Specification, in conventional image forming devices, in order to maintain registration of the different process cartridges, added members have been required, such as a guiding rail or a drawer capable of sliding and holding the cartridges. However, the growing demand for smaller image forming apparatus in recent years requires more compact configurations, thus demanding optimized space utilization between the process cartridges, which space has been occupied traditionally with guiding rails or drawers. One of the advantageous features of the instant invention is a process cartridge that does not require additional members in order to maintain registration, thus resulting in a more compact image forming apparatus.<sup>2</sup> Claims 1, 7, 8, 17, 23, and 24 have been amended to more clearly recite such a process cartridge. Non-limiting support for the subject matter amended to Claim 1, 7, 8, 17, 23, and 24 is found at least in the figures of Applicants' specification. As such, the amendments to the claims are not believed to raise any issues of new matter.

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<sup>1</sup> See MPEP 2131: "A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference," (Citations omitted) (emphasis added). See also MPEP 2143.03: "All words in a claim must be considered in judging the patentability of that claim against the prior art."

<sup>2</sup> See, for example, Specification, page 1, line 12 – page 2, line 27.

In FIG. 27, Aoyama discloses a process unit 102 capable of being pulled out and inserted into the apparatus body in an axial direction of a drum 301 like a drawer. End wall 2a is mounted on one end of the process unit 102 and supported by support members 14a and 14b. As shown, these support members 14a and 14b are formed with an opening for receiving the process unit 102. The structure for positioning the process unit 102 in its inserted position is implemented by holes 2b formed in the front wall 2a and pins 15a and 16a respectively studded on the support members 14a and 14b. The process unit 102 is additionally provided with guide rails 217 and 218 on its top and bottom, respectively, as illustrated. The guide rails 217 and 218 are connected with each other, as seen in the illustrated plan view, and each extends in the direction in which the process unit 102 is movable, serving as guides for allowing the process units 102 to be individually moved into and out of the apparatus body.

Accordingly, Applicants respectfully submit that Aoyama cannot anticipate the invention recited in the presently amended Claims 1, 7, 8, 17, 23, and 24. Aoyama does not teach or disclose a housing comprising first and second guide portions disposed on the sides of the process cartridge such that the location of the second guide is disposed on a second location lower than the first location with respect to a vertical direction. Such structural features permit the cartridges to support each other in the image forming apparatus, while maintaining registration, without the additional need to provide drawer-like components, such as the end wall 2a, support members 14a and 14b, holes 2b, and pins 15a and 16a of Aoyama.

As to Claims 9, 15, and 16, Applicants respectfully submit that Aoyama cannot support a case of anticipate of those three claims. The outstanding Office Action fails to follow the required procedure to reject a claim containing means-plus-function language by

disregarding the structure disclosed in Applicants' specification corresponding to the recited language according to the provisions of 35 U.S.C. §112, sixth paragraph.<sup>3</sup>

In addition, a *prima facie* case of equivalence has not been made in the outstanding Office Action because the outstanding Office Action is devoid of any explanation and/or rationale as to why several elements in the image forming apparatus of Aoyama are equivalent to those features disclosed that correspond to the recited functions.<sup>4</sup>

In particular, the outstanding Office Action is devoid of an explanation or rationale to explain: (1) how the drawer-like elements of Aoyama performs an identical function substantially the same way to produce substantially the same results as the recited housing means and/or guiding means of the present invention;<sup>5</sup> (2) how one of ordinary skill in the art recognizes the interchangeability of the elements of Aoyama to the ones disclosed in Applicants' specification;<sup>6</sup> (3) how the differences between elements in Aoyama and corresponding elements disclosed in Applicants' specification are insubstantial;<sup>7</sup> and (4) how

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<sup>3</sup> "The broadest reasonable interpretation that an examiner may give means-plus-function language is that statutorily mandated in paragraph six. Accordingly, the PTO may not disregard the structure disclosed in the specification corresponding to such language when rendering a patentability determination." MPEP § 2181, citing *In re Donaldson Co.*, 16 F.3d 1189, 29 USPQ2d 1845 (Fed. Cir. 1994).

<sup>4</sup> MPEP § 2183 requires that an Examiner "provide an explanation and rationale in the Office Action as to why the prior art element is an equivalent."

<sup>5</sup> A showing that "the prior art element performs the identical function specified in the claim in substantially the same way, and produces substantially the same results as the corresponding element disclosed in the specification" would be sufficient to support a conclusion that elements in the cited reference would be equivalents to the recited elements. See, for example, MPEP § 2183, citing *Kemco Sales, Inc. v. Control Papers Co.*, 208 F.3d 1352, 54 USPQ2d 1308 (Fed. Cir. 2000).

<sup>6</sup> A showing that "a person of ordinary skill in the art would have recognized the interchangeability of the element shown in the prior art for the corresponding element disclosed in the specification" would be sufficient to support a conclusion that elements in the cited reference would be equivalents to the recited elements. See, for example, MPEP § 2183, citing *Caterpillar Inc. v. Deere & Co.*, 224 F.3d 1374, 56 USPQ2d 1305 (Fed. Cir. 2000); *Al-Site Corp. v. VSI Int'l, Inc.*, 174 F.3d 1308, 1316, 50 USPQ2d 1161, 1165 (Fed. Cir. 1999); *Chiuminatta Concrete Concepts, Inc. v. Cardinal Indus. Inc.*, 145 F.3d 1303, 1309, 46 USPQ2d 1752, 1757 (Fed. Cir. 1998); *Lockheed Aircraft Corp. v. United States*, 193 USPQ 449, 461 (Ct. Cl. 1977); and *Data Line Corp. v. Micro Technologies, Inc.*, 813 F.2d 1196, 1 USPQ2d 2052 (Fed. Cir. 1987).

<sup>7</sup> A showing that "there are insubstantial differences between the prior art element and the corresponding element disclosed in the specification" would be sufficient to support a conclusion that elements in the cited reference would be equivalents to the recited elements. See, for example, MPEP § 2183, citing *IMS Technology, Inc. v. Haas Automation, Inc.*, 206 F.3d 1422, 1436, 54 USPQ2d 1129, 1138 (Fed. Cir. 2000); *Warner-Jenkinson Co. v. Hilton Davis Chemical Co.*, 117 S. Ct. 1040, 41 USPQ2d 1865, 1875 (1997); *Valmont*

elements in Aoyama are structural equivalents of the corresponding elements disclosed in Applicants' specification.<sup>8</sup>

Applicants respectfully submit that since the cartridge of Aoyama is inserted in the image forming apparatus like a drawer, it does not perform the identical function substantially the same way to produce substantially the same results as the housing and/or guiding means of the present invention, which support the process cartridges without requiring the drawer-like features of Aoyama. Moreover, given the substantial difference in their function and the final result produced, one of ordinary skill in the art would not recognize the interchangeability of elements in the cartridge of Aoyama with the elements disclosed in Applicants' specification, see, as a non-limiting example, FIGS. 2-5, 7, 8, and 12-17, and would not have found the differences between elements in Aoyama and corresponding elements disclosed in Applicants' specification insubstantial because of their structural differences as summarized hereinabove.

Accordingly, based on the foregoing remarks and the results of the personal interview, Applicants respectfully submit that Claims 1, 7, 8, 9, 15, 16, 17, 23 and 24 are not anticipated by Aoyama. Claims 2-6, 10-14, and 18-22 should be allowed, among other reasons, as depending either directly or indirectly from the independent claims discussed, which should be allowed as just explained.

In addition, several dependent claims are further considered allowable as they recite other features of the invention that are not disclosed, taught, or suggested by the applied reference when those features are considered within the context of the subject matter recited

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*Industries, Inc. v. Reinke Mfg. Co.*, 983 F.2d 1039, 25 USPQ2d 1451 (Fed. Cir. 1993); and *Caterpillar Inc. v. Deere & Co.*, 224 F.3d 1374, 56 USPQ2d 1305 (Fed. Cir. 2000).

<sup>8</sup> A showing that "the prior art element is a structural equivalent of the corresponding element disclosed in the specification" would be sufficient to support a conclusion that elements in the cited reference would be equivalents to the recited elements. See, for example, MPEP § 2183, citing *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

in independents. For example, the outstanding Office Action is silent as to how Aoyama teaches or discloses the following features:

(1) as to Claims 2 and 10, the first or second guide portion faces an inner wall of the image forming apparatus or another process cartridge adjoining said process cartridge;

(2) as to Claims 3 and 11, the first or second guide portion is configured to guide another process cartridge adjoining the process cartridge;

(3) as to Claims 4 and 12, the first or second guide portion is configured to slidably engage with a portion of another process cartridge adjoining the process cartridge;

(4) as to Claims 5 and 13, the first and second portions depends on a location of said first and second guide portions in the image forming apparatus; and

(5) as to Claims 6 and 14, a configuration of the first and second guide portions is one of being separately formed from said housing or being integrated with said housing;

Applicants respectfully request that the anticipation of Claims 1-24 under 35 U.S.C. §102(b) be withdrawn.

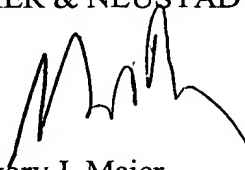
Consequently, in view of the present amendment, no further issues are believed to be outstanding in the present application, and the present application is believed to be in condition for formal Allowance. A Notice of Allowance for Claims 1-24 is earnestly solicited.

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Reply to Office Action of June 10, 2005

Should the Examiner deem that any further action is necessary to place this application in even better form for allowance, the Examiner is encouraged to contact Applicants' undersigned representatives at the below listed telephone number.

Respectfully submitted,

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A handwritten signature in black ink, appearing to read 'Gregory J. Maier', with a stylized, flowing script.

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